



Order Filed on July 25, 2023
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-2(c)

Eugene D. Roth, Esq.
Law Office of Eugene D. Roth
2520 Hwy 35, Suite 307
Manasquan, New Jersey 08736
Attorneys for the Debtors

In Re:

Richard R. Ciarelli and Linda Ciarelli

Debtor.

Chapter 13

Case No. 22-13306

Judge: Christine M. Gravelle, U.S.B.J.

**AMENDED ORDER PURSUANT TO SECTION 363(B) AND (F) OF THE
BANKRUPTCY CODE AUTHORIZING AND APPROVING THE SALE OF REAL
PROPERTY, FREE AND CLEAR OF ALL LIENS, CLAIMS, ENCUMBRANCES
AND INTERESTS AND APPROVING PAYMENT TO ALLOWED SECURED CLAIMS**

The relief set forth on the following pages numbered two (2) through five (5) is hereby
ORDERED.

DATED: July 25, 2023


Honorable Christine M. Gravelle
United States Bankruptcy Judge

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Debtor: Richard R. Ciarelli and Linda Ciarelli

Case No.: 22-13306 (CMG)

Caption of Order: ORDER, PURSUANT TO SECTION 363(B) AND (F) OF THE
BANKRUPTCY CODE, AUTHORIZING AND APPROVING THE
SALE OF REAL PROPERTY, FREE AND CLEAR OF ALL LIENS,
CLAIMS, ENCUMBRANCES AND INTERESTS AND APPROVING
PAYMENT OF ALLOWED SECURED CLAIMS

This matter having been brought by Richard R. Ciarelli and Linda Ciarelli (the “Debtors”), by and through their counsel, the Law Offices of Eugene D. Roth by Motion (the “Sale Motion”) for the entry of an order pursuant to Section 363(b), (f) of the United States Bankruptcy Code (the “Bankruptcy Code”) authorizing and approving the sale of real property identifiable as 20 Buckingham Drive, Ocean, NJ 07712 (the “Property”), free and clear of all liens, claims, encumbrances and interests; and due and proper notice of the Sale Motion having been provided to all parties required to receive notice; and it appearing that the relief requested in the Sale Motion is in the best interest of creditors and the estate; and any objections to the Sale Motion having been resolved, withdrawn or overruled by this Court; and good and sufficient cause appearing for the granting of the relief requested in the Sale Motion; and the Motion having been granted and an Order entered on March 16, 2023 and the Debtors requiring an extension of the authorization for the sale of the Property

IT IS HEREBY ORDERED:

1. The Sale Motion is granted, however the authorization of the Debtors to sell the Property to the Purchasers shall be conditioned upon the Debtors obtaining Final Short Sale Approval from the Secured Creditor on the Property, Mill City Mortgage Loan Trust 2019-GS2 c/o NewRez LLC d/b/a Shellpoint Mortgage Servicing (the “Mortgagee”) and the Debtors shall be required to continue to make their monthly payments to the Mortgagee until the date of any closing.

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Debtor: Richard R. Ciarelli and Linda Ciarelli

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2. The Contract of Sale and Addendum, annexed hereto as Exhibit A, are hereby approved subject to the conditions provided for in Paragraph 1 of this Order.

3. Pursuant to section 363(b) and (h) of the Bankruptcy Code, the Debtors are authorized and directed to sell the Property to Clenio A de Deus (the "Purchasers") subject to the conditions provided for in Paragraph 1 of this Order.

4. Pursuant to section 363(f) of the Bankruptcy Code, the sale of the Property to the Purchasers shall be free and clear of any and all liens, claims, encumbrances and interests.

5. At closing, the Debtors shall at closing utilize the proceeds from the sale of the Property to pay the Secured Creditor on the Property, Mill City Mortgage Loan Trust 2019-GS2 c/o NewRez LLC d/b/a Shellpoint Mortgage Servicing, any outstanding real estate taxes and/or municipal charges; any open or outstanding tax sale certificates; the professionals noted in the Notice of Private Sale filed simultaneously with the Sale Motion; and customary closing costs.

6. The balance of any non-exempt proceeds from the sale of the Property shall be paid to the Chapter 13 Trustee.

7. The sale of the Property to the Purchasers shall constitute a legal, valid and effective transfer of title to the Property.

8. The Debtors are authorized and directed to execute and deliver such documents and take such other actions as may be necessary, desirable or appropriate to effect, implement

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and/or consummate the sale of the Property to the Purchaser without further application to the Court.

9. The Court shall have jurisdiction to (a) implement, interpret, consummate and/or effectuate the provisions of this Order; and (b) resolve any disputes relating to the sale of the Property and distribution of the proceeds thereof.

10. Pursuant to Section 363(m) of the Bankruptcy Code, the reversal or modification of this Order on appeal shall not affect the validity of the transfer authorized herein unless the transfer is stayed pending appeal and prior to closing.

11. The Debtors authorization to sell the subject property shall expire 60 days from the date of entry of this Order, unless an Order extending time to close is entered by this Court upon Application and proper notice.

12. The fourteen (14) day stay on an order authorizing the use, sale or lease of property found in Federal Rules of Bankruptcy Procedure 6004(h) is hereby waived.

13. A copy of the signed HUD/Settlement statement be provided to the Chapter 13 Trustee within seven (7) days of the closing

14. Movants shall serve a copy of the executed Order on all interested parties who have not yet been served electronically by the Court.

In re:
Richard R. Ciarelli
Linda Ciarelli
Debtors

Case No. 22-13306-CMG
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: Jul 25, 2023

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

| Symbol | Definition |
|--------|--|
| + | Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP. |

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 27, 2023:

| Recip ID | Recipient Name and Address |
|----------|---|
| db/jdb | + Richard R. Ciarelli, Linda Ciarelli, 20 Buckingham Drive, Ocean Township, NJ 07712-3236 |

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 27, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 25, 2023 at the address(es) listed below:

| Name | Email Address |
|--------------------------|---|
| Albert Russo | docs@russotrustee.com |
| Aleisha Candace Jennings | on behalf of Creditor MILL CITY MORTGAGE LOAN TRUST 2019-GS2 ajennings@raslg.com |
| Aleisha Candace Jennings | on behalf of Creditor Mill City Mortgage Loan Trust 2019-GS2 Wilmington Savings Fund Society, FSB, as Trustee ajennings@raslg.com |
| Denise E. Carlon | on behalf of Creditor PNC BANK NATIONAL ASSOCIATION dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com |
| Eugene D. Roth | on behalf of Debtor Richard R. Ciarelli erothsq@gmail.com |
| Eugene D. Roth | |

District/off: 0312-3

User: admin

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Date Rcvd: Jul 25, 2023

Form ID: pdf903

Total Noticed: 1

on behalf of Joint Debtor Linda Ciarelli erothesq@gmail.com

Laura M. Egerman

on behalf of Creditor MILL CITY MORTGAGE LOAN TRUST 2019-GS2 laura.egerman@mccalla.com
bkyecf@rasflaw.com;legerman@raslg.com

Sindi Mncina

on behalf of Creditor MILL CITY MORTGAGE LOAN TRUST 2019-GS2 smncina@raslg.com

U.S. Trustee

USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9